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5 ANA J. FERNANDEZ,  
6 Petitioner,  
7 v.  
8 T. JUSINO, Warden,  
9 Respondent.

Case No. [23-cv-02399-AMO](#) (PR)

**ORDER OF DISMISSAL WITHOUT  
PREJUDICE**

10 This action was reassigned from a magistrate judge to the undersigned in light of a recent  
11 Ninth Circuit decision.<sup>1</sup> On May 16, 2023, Petitioner, a federal prisoner, filed the present petition  
12 for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. On May 17, 2023, the Clerk of the  
13 Court sent a notification to Petitioner informing her that her action could not go forward until she  
14 paid the full filing fee or filed a completed prisoner's *in forma pauperis* ("IFP") application. The  
15 Clerk sent Petitioner a blank IFP application and told her that she must pay the fee or return the  
16 completed application within twenty-eight days or her action would be dismissed.

17 More than twenty-eight days have passed, and Petitioner has not paid the filing fee or  
18 returned the IFP application.

19 **IT IS HEREBY ORDERED THAT** this action is **DISMISSED WITHOUT**  
20 **PREJUDICE.** The Clerk shall close the file. Any motion to reopen must contain either the full  
21 filing fee or a completed IFP application.

22 **IT IS SO ORDERED.**

23 Dated: July 19, 2023

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25 ARACELI MARTÍNEZ-OLGUÍN  
26 United States District Judge

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<sup>1</sup> *Williams v. King*, 875 F.3d 500, 503 (9th Cir. 2017) (magistrate judge lacked jurisdiction  
28 to dismiss case on initial screening because unserved defendants had not consented to proceed  
before magistrate judge).